

12 MAG 2803

Approved:

*Paul Krieger*

PAUL KRIEGER  
Assistant United States Attorney

Before: HONORABLE HENRY B. PITMAN  
United States Magistrate Judge  
Southern District of New York

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UNITED STATES OF AMERICA :

v. :

ALBERT BALDEO,  
Defendant. :

- - - - - x

SOUTHERN DISTRICT OF NEW YORK, ss.:

SEALED COMPLAINT

Violations of  
18 U.S.C. §§ 1341, 1349, 1512,  
& 2

COUNTY OF OFFENSE:  
NEW YORK

DAVID I. GONZALEZ, being duly sworn, deposes and says  
that he is a Special Agent with the Federal Bureau of  
Investigation ("FBI"), and charges as follows:

COUNT ONE

(Conspiracy to Commit Mail Fraud)

1. From at least in or about September 2010 up to and  
including in or about December 2010, in the Southern District of  
New York and elsewhere, ALBERT BALDEO, the defendant, and others  
known and unknown, wilfully and knowingly combined, conspired,  
confederated and agreed together and with each other to commit  
mail fraud in violation of Title 18, United States Code, Section  
1341.

2. It was a part and object of the conspiracy that  
ALBERT BALDEO, the defendant, and others known and unknown,  
wilfully and knowingly, and having devised and intending to  
devise a scheme and artifice to defraud, and for obtaining money  
and property by means of false and fraudulent pretenses,  
representations and promises, for the purpose of executing such  
scheme and artifice and attempting so to do, would and did  
deposit and cause to be deposited any matter and thing whatever  
to be sent and deposited by any private and commercial interstate  
carrier, and would and did knowingly cause to be delivered by  
such carrier according to the direction thereon, and at the place  
at which it is directed to be delivered by the person to whom it

is addressed, such matter and thing, in violation of Title 18, United States Code, Section 1341.

Overt Acts

3. In furtherance of said conspiracy and to effect the illegal object thereof, the following overt acts, among others, were committed in the Southern District of New York and elsewhere:

a. On or about October 25, 2010, in Queens, ALBERT BALDEO, the defendant, gave two individuals two \$900 money orders for these individuals to contribute to BALDEO's campaign for New York City Council (the "City Council").

b. On or about October 25, 2010, in Queens, BALDEO provided these two individuals with false affidavits for them to sign concerning their two \$900 contributions.

c. On or about November 30, 2010, BALDEO mailed, or caused to be mailed, by Federal Express materially false campaign contribution cards to the New York City Campaign Finance Board ("CFB") in Manhattan.

(Title 18, United States Code, Section 1349.)

COUNT TWO

(Attempted Mail Fraud)

4. From at least in or about September 2010, up to and including in or about December 2010, in the Southern District of New York and elsewhere, ALBERT BALDEO, the defendant, wilfully and knowingly, having devised and intending to devise a scheme and artifice to defraud, and for obtaining money and property by means of false and fraudulent pretenses, representations, and promises, and attempting to do so, did deposit and cause to be deposited a matter and thing to be sent and delivered by private and commercial interstate carrier, and did knowingly cause to be delivered by mail and such carrier according to the direction thereon, such matter and thing, to wit, BALDEO engaged in a scheme to defraud the City of New York (the "City") by providing individuals with money orders or cash for these individuals to contribute to BALDEO's campaign in their own names in an attempt to obtain campaign matching funds for BALDEO's campaign for City Council.

(Title 18, United States Code, Sections 1341 and 1349.)

COUNT THREE  
(Obstruction of Justice)

5. From in or about January 2011, up to and including in or about August 2011, in the Southern District of New York and elsewhere, ALBERT BALDEO, the defendant, knowingly used intimidation, threats, and corruptly persuaded another person, and attempted to do so, and engaged in misleading conduct toward another person, with intent to hinder, delay, and prevent the communication to a law enforcement officer of information relating to the commission or possible commission of a federal offense, and aided and abetted such conduct, to wit, BALDEO repeatedly told various individuals to provide false information concerning their contributions to BALDEO's campaign for City Council to FBI agents who were investigating donations to BALDEO's campaign.

(Title 18, United States Code, Section 1512(b)(3) & 2.)

COUNT FOUR  
(Conspiracy to Obstruct Justice)

6. From at least in or about January 2011 up to and including in or about August 2011, in the Southern District of New York and elsewhere, ALBERT BALDEO, the defendant, and others known and unknown, wilfully and knowingly did combine, conspire, confederate, and agree together and with each other to commit offenses against the United States, to wit, to violate Title 18, United States Code, Section 1512(b)(3).

7. It was a part and an object of the conspiracy that ALBERT BALDEO, the defendant, and others known and unknown, knowingly used intimidation, threats, and corruptly persuaded another person, or attempted to do so, and engaged in misleading conduct toward another person, with intent to hinder, delay, and prevent the communication to a law enforcement officer of information relating to the commission or possible commission of a federal offense.

Overt Acts

8. In furtherance of said conspiracy and to effect the illegal object thereof, the following overt acts, among others, were committed in the Southern District of New York and elsewhere:

a. In or about April 2011, in Queens, ALBERT BALDEO, the defendant, instructed an individual to falsely tell FBI agents who were investigating contributions to the BALDEO campaign that the money donated by this individual was this individual's own funds when, in truth and in fact, BALDEO had

provided this individual with the money to donate to the BALDEO campaign.

b. In or about May 2011, in Manhattan, BALDEO told an individual to convince his father not to speak with the FBI about his father's purported donation to the BALDEO campaign.

c. In or about June 2011, a harassing and threatening letter was faxed from BALDEO's office in Queens to the office of the attorney for an individual who BALDEO knew was being interviewed by the FBI in connection with the FBI's investigation of contributions to the BALDEO campaign and who BALDEO had previously told to lie to the FBI about this individual's contribution to the BALDEO campaign.

(Title 18, United States Code, Sections 1512(b)(3) & (k).)

The bases for my knowledge and the foregoing charges are, in part, as follows:

9. I am a Special Agent with the FBI. I have been personally involved in the investigation of this matter. This affidavit is based upon my conversations with law-enforcement agents and others and my examination of reports and records. Because this affidavit is being submitted for the limited purpose of establishing probable cause, it does not include all the facts that I have learned during the course of my investigation. Where the contents of documents and the actions, statements, and conversations of others are reported herein, they are reported in substance and in part, except where otherwise indicated.

#### Overview Of The Mail Fraud Scheme

10. On the basis of the evidence set forth below, there is probable cause to believe that ALBERT BALDEO, the defendant, and his co-conspirators, participated in a scheme to defraud the City that involved the use of straw donors<sup>1</sup> to funnel multiple illegal campaign contributions to BALDEO's fall 2010 campaign for the City Council. Among other things, one object of the scheme was to increase the amount of matching campaign funds the BALDEO campaign would receive from the City. On various occasions, BALDEO, and in at least one instance BALDEO's office manager, provided money orders or cash to individuals to contribute to the BALDEO campaign in these individuals' own

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<sup>1</sup> "Straw Donors" are individuals, who in violation of campaign finance laws, make campaign contributions in their own names with money they have received from other individuals or for which they receive reimbursement from other individuals.

names, even though BALDEO supplied the funds and these individuals did not contribute any of their own money or reimburse BALDEO for these donations. As part of this scheme, BALDEO gave each straw donor a campaign contribution card in which he or she wrote, among other things, his or her name, address, employment information, and the amount of money purportedly donated to the BALDEO campaign. BALDEO instructed the straw donors to sign the contribution cards falsely affirming that the contribution was being made from their personal funds and was not being reimbursed in any manner. The CFB would rely upon the information contained in these fraudulent contribution forms, among other things, in order to determine whether to release matching campaign funds to BALDEO's 2010 campaign. Moreover, as part of this scheme, BALDEO instructed several of these straw donors to sign affidavits, at least one of which was actually provided to the CFB in connection with BALDEO's efforts to obtain matching funds, which also falsely asserted that these straw donors' contributions were made using their own funds.

#### Overview of the Scheme to Obstruct the FBI's Investigation of the Mail Fraud Scheme

11. ALBERT BALDEO, the defendant, obstructed the Government's investigation of this matter by repeatedly instructing certain straw donors to provide false information to, or not cooperate with, the FBI agents who were investigating contributions to the BALDEO campaign. More specifically, BALDEO instructed these individuals to tell the FBI that money contributed to the BALDEO campaign in these individuals' names came from these individuals' own funds when, in truth and in fact, BALDEO himself had provided the money orders or cash that these individuals donated to the BALDEO campaign. When instructing at least some of these individuals to provide false information to the FBI, BALDEO tried to convince them to lie by telling them that they could get in trouble for admitting to the FBI that the money donated in their names was not actually their money. Moreover, in retaliation for one straw donor's refusal to lie as instructed by BALDEO, among other things: (1) a threatening letter was faxed to the office of this straw donor's attorney from BALDEO's office; (2) a co-conspirator of BALDEO's not named herein ("Co-conspirator-1") made false allegations to a City agency that this straw donor was abusing his grandchild; and (3) Co-conspirator-1 made at least one complaint to the City Department of Buildings about a property owned by this straw donor.

#### Background

12. Based on a review of public records and documents provided by the CFB, I have learned, the following, among other things:

a. In the fall of 2010, there was a Special Election for the open seat on the City Council representing District 28 in Queens (the "Special Election"). The Special Election was held on November 2, 2010.

b. On September 7, 2010, ALBERT BALDEO, the defendant, certified to the CFB that he was running in the Special Election, and would be seeking to participate in the City's voluntary Campaign Finance Program administered by the CFB. Participation in the Campaign Finance Program would allow BALDEO's campaign to have private contributions matched with public money in exchange for agreeing to spending limits.

c. In September 2010, a treasurer was named for BALDEO's campaign (the "Treasurer") and another individual (the "Liaison") was designated by BALDEO to act as a liaison between the BALDEO campaign and the CFB.

d. BALDEO is a practicing attorney whose law office has been located in Queens since at least in or about September 2010 ("BALDEO's Office"). BALDEO's Office served as BALDEO's campaign headquarters for the Baldeo campaign. Since at least in or about September 2010, the Liaison has worked for BALDEO at BALDEO's Office as his office manager.

e. BALDEO did not win the Special Election. BALDEO had previously run unsuccessfully for New York State Senate and Assembly in 2006 and 2009, respectively. In a separate election, on or about September 14, 2010, BALDEO was elected as Democratic Male District Leader in Queens County, District 38, Part B, and he currently serves in that capacity.

13. According to information provided by the CFB, for the Special Election, the Campaign Finance Program provided that for each dollar a New York City resident over 18 years of age contributed to a candidate -- up to a maximum of \$87 -- the candidate, if he or she elected to do so, would receive six dollars in matching funds from the City. In order to be eligible to receive public matching funds, a candidate in the Special Election had to, among other things, reach a threshold of \$5,000 in total matchable contributions and secure 75 contributors of a minimum of \$10 who were residents of the 28<sup>th</sup> District. Accordingly, each Special Election candidate who qualified could receive up to \$522 in matching funds per contributor. For the Special Election, candidates could raise and claim matching funds through December 31, 2010. A maximum of \$92,400 in matching public funds was available to Special Election candidates. Individuals were allowed to donate a total of up to \$1,375 to Special Election candidates (of which up to \$87 was potentially matchable). Contributions to a candidate in the Special Election could only be made to that candidate's campaign committee, which

in the case of ALBERT BALDEO, the defendant, was called "People for Baldeo."

14. In the course of his Special Election campaign, ALBERT BALDEO, the defendant, received a total of \$47,803 in campaign contributions.<sup>2</sup> The BALDEO campaign sought matching funds for approximately \$15,000 of this amount, which would have resulted in approximately \$90,000 in public matching money had the CFB not determined that the BALDEO campaign was ineligible for matching funds due to serious, unresolved questions about the validity of various contributions to the campaign.

15. In order to participate in the Campaign Finance Program, the Treasurer of ALBERT BALDEO, the defendant, himself was required to file with the CFB periodic disclosure statements in which BALDEO or the Treasurer certified to the CFB, among other things, details about campaign contributions and the amount of those contributions for which the campaign was seeking public matching funds.

16. ALBERT BALDEO, the defendant, and all other Special Election candidates were also required to provide the CFB with back-up documentation for campaign contributions. For contributions made by money order, the BALDEO campaign was required to provide a copy of the money order and a copy of a campaign contribution card signed by the contributor. In addition to requesting other information, the contribution cards used by the CFB in the Special Election provided that the contributor sign after the following written statement: "I understand that State Law requires that a contribution be in my name and be from my own funds. I hereby affirm that this contribution is being made from my personal funds, is not being reimbursed in any manner, and is not being made as a loan."

#### Straw Donor-1

17. Based on interviews by other FBI agents of an individual ("Straw Donor-1") who purportedly contributed to the campaign of ALBERT BALDEO, the defendant, I have learned the following, among other things:<sup>3</sup>

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<sup>2</sup> BALDEO also loaned the campaign \$27,000 of his own money, which was repaid from his campaign bank account.

<sup>3</sup> Subsequent to being interviewed on multiple occasions by agents of the FBI and representatives of the United States Attorney's Office for the Southern District of New York (the "USAO"), Straw Donor-1 as well as Straw Donor-2, Straw Donor-4, and Straw Donor-6, who are discussed below, entered into non-prosecution agreements with the USAO. These non-prosecution

a. From at least in or about August 2010 through at least in or about May 2011, Straw Donor-1 worked for BALDEO's brother ("Baldeo's Brother") in Queens.

b. On or about November 1, 2010, Baldeo's Brother told Straw Donor-1 to go to BALDEO's Office after work that day.

c. On or about November 1, 2010, Straw Donor-1 went to BALDEO's Office and met with BALDEO. During this meeting, BALDEO gave Straw Donor-1 approximately \$1,500 in cash and instructed Straw Donor-1 to go to the business next door and purchase a money order for \$1,000 and a money order for \$375.

d. After speaking with BALDEO, Straw Donor-1 purchased two money orders ("Straw Donor-1 Money Orders") in the amounts of \$1,000 and \$375, respectively, as instructed by BALDEO. Straw Donor-1 then returned to BALDEO's Office that same day with the Straw Donor-1 Money Orders and the balance of the money that BALDEO had given him. BALDEO then instructed Straw Donor-1 to fill out and sign: (1) the Straw Donor-1 Money Orders with the payee listed as "People for Baldeo;" (2) an affidavit concerning this contribution ("Straw Donor-1 Affidavit"); and (3) a campaign contribution card ("Straw Donor-1 Contribution Card"). In BALDEO's presence, Straw Donor-1 did as BALDEO requested.

e. Straw Donor-1 never contributed any of his own money to "People for Baldeo," did not purchase the Straw Donor-1 Money Orders with his own money, did not provide anyone money to pay for these money orders, and did not reimburse anyone for these money orders.

f. In or about February 2011, BALDEO came to Baldeo's Brother's office where Straw Donor-1 worked and BALDEO and Straw Donor-1 spoke. During this meeting, the following, among other things, occurred:

i. BALDEO told Straw Donor-1 that FBI agents were going to seek to interview Straw Donor-1 about Straw Donor-1's contribution to BALDEO's campaign.

ii. BALDEO repeatedly instructed Straw Donor-1 to tell the FBI that the money for Straw Donor-1's contribution was Straw Donor-1's money and not BALDEO's.

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agreements provide, in substance and in part, that these straw donors will not be prosecuted for certain crimes related to their contributions to the BALDEO campaign in exchange for their cooperation with the Government's investigation of this matter.



iii. BALDEO told Straw Donor-1 that if Straw Donor-1 did not stick to the story that the money contributed was Straw Donor-1's money that Straw Donor-1 could get in trouble because Straw Donor-1 signed the Straw Donor-1 Affidavit and the Straw Donor-1 Contribution Card, which stated that the money contributed was Straw Donor-1's money.

iv. BALDEO rehearsed with Straw Donor-1 the questions that BALDEO expected the FBI to ask Straw Donor-1 and the answers BALDEO wanted Straw Donor-1 to provide the FBI.

g. Approximately two months later, in April 2011, FBI agents interviewed Straw Donor-1 and Straw Donor-1 provided them with false information as instructed by BALDEO. Shortly after Straw Donor-1 spoke with FBI, Straw Donor-1 told BALDEO's Brother that the FBI had interviewed Straw Donor-1 about his contribution to the BALDEO campaign.

h. Following Straw Donor-1's communication to BALDEO's Brother that Straw Donor-1 had been interviewed by the FBI about Straw Donor-1's purported \$1,375 contribution to the BALDEO Campaign, BALDEO, among other things: (1) asked Straw Donor-1 what Straw Donor-1 had told the FBI; (2) repeated his instructions that Straw Donor-1 should tell the FBI that his donation to the BALDEO campaign came from Straw Donor-1's own funds; and (3) warned Straw Donor-1 that Straw Donor-1 could be prosecuted if Straw Donor-1 told the FBI the truth about Straw Donor-1's contribution.

i. Shortly before a meeting with FBI agents and representatives of the USAO on or about May 27, 2011, Straw Donor-1 told BALDEO's Brother that Straw Donor-1 was going to a meeting at the USAO. In response, BALDEO and BALDEO's Brother met with Straw Donor-1 and instructed Straw Donor-1, in substance and in part, to stick to the story that the money contributed was from Straw Donor-1's own funds. In addition, BALDEO's Brother falsely told Straw Donor-1 that BALDEO's Brother also had a meeting scheduled at the USAO.

18. I have reviewed business records concerning the Straw Donor-1 Money Orders and have learned, among other things, that these money orders were purchased at a business ("Business-1") located near BALDEO's Office.

#### Straw Donor-2 and Straw Donor-3

19. Based on interviews by other FBI Agents of an individual who purportedly contributed to the BALDEO campaign ("Straw Donor-2"), I have learned the following, among other things:

a. Straw Donor-2 has known ALBERT BALDEO, the defendant, for several years. In or about the end of October 2010, at BALDEO's request, Straw Donor-2 and his wife ("Straw Donor-3") met with BALDEO at BALDEO's Office. During this meeting, BALDEO gave Straw Donor-2 and Straw Donor-3 two \$900 money orders (the "Straw Donor-2 and Straw Donor-3 Money Orders") and asked them to make the money orders payable to "People for Baldeo," which Straw Donor-2 and Straw Donor-3 agreed to do. BALDEO then instructed Straw Donor-2 and Straw Donor-3 to fill out and sign: (1) affidavits concerning these contributions; and (2) campaign contribution cards ("Straw Donor-2 and Straw Donor-3 Contribution Cards"). Straw Donor-2 signed one of the affidavits and Straw Donor-2 and Straw Donor-3 filled out the Straw Donor-2 and Straw Donor-3 Contribution Cards.

b. Straw Donor-2 and Straw Donor-3 did not purchase the Straw Donor-2 and Straw Donor-3 Money Orders, provide anyone money to pay for these money orders, or reimburse anyone for these money orders. Apart from a contribution of \$100 in total to the BALDEO Campaign in September 2010, neither Straw Donor-2 or Straw Donor-3 contributed any of their own funds to the BALDEO Campaign.

c. In or about March 2011, Straw Donor-2 met with BALDEO shortly after Straw Donor-2 learned that FBI agents wanted to speak with Straw Donor-2 about his contributions to BALDEO's campaign. During this March 2011 meeting, the following, among other things, occurred:

i. Straw Donor-2 told BALDEO that federal agents had come to Straw Donor-2's and Straw Donor-3's home and spoke to Straw Donor-3 about Straw Donor-2's and Straw Donor-3's contributions to the BALDEO campaign.

ii. Straw Donor-2 told BALDEO that Straw Donor-3 had told the agents that Straw Donor-2's and Straw Donor-3's contributions had come from Straw Donor-2's and Straw Donor-3's own funds. In response, BALDEO told Straw Donor-2, in substance and in part, that Straw Donor-3 had done "good." BALDEO also told Straw Donor-2 that when Straw Donor-2 speaks to the FBI agents himself that Straw Donor-2 should tell the agents that the contributions came from Straw Donor-2's and Straw Donor-3's own funds.

d. Straw Donor-2 met with BALDEO again shortly after the above-described meeting and shortly before Straw Donor-2's first interview with the FBI, which took place on or about March 30, 2011. During this meeting, the following, among other things, occurred:

i. Straw Donor-2 advised BALDEO that Straw Donor-2 was going to be speaking to FBI agents about Straw Donor-2's and Straw Donor-3's contributions to BALDEO's campaign.

ii. BALDEO instructed Straw Donor-2 what to tell the FBI, including that: (1) Straw Donor-2 and Straw Donor-3 used their own funds to make the contributions; and (2) Straw Donor-2 had purchased the Straw Donor-2 and Straw Donor-3 Money Orders at a particular store in Queens.

e. After Straw Donor-2 met with FBI agents about Straw Donor-2's and Straw Donor-3's contributions to the BALDEO campaign, Straw Donor-2 had additional meetings with BALDEO about this matter. During these meetings, the following, among other things, occurred:

i. BALDEO reminded Straw Donor-2 that Straw Donor-2 had signed an affidavit that stated that the money donated had come from Straw Donor-2's own funds.

ii. BALDEO told Straw Donor-2 that Straw Donor-2 could get in trouble if Straw Donor-2 told the FBI that the donations were not, in fact, made from Straw Donor-2's own funds. BALDEO also told Straw Donor-2 that BALDEO could lose his law license if Straw Donor-2 did not stick to this story.

iii. BALDEO told Straw Donor-2, in substance and in part, that Straw Donor-2 should not be concerned about being truthful with the FBI because the FBI could not prove otherwise.

iv. During a meeting in or about May 2011 with BALDEO and an individual BALDEO told Straw Donor-2 notarized Straw Donor-2's affidavit concerning the \$900 contribution ("Individual-1"), BALDEO told Straw Donor-2 that Individual-1 was prepared to tell the Government that Individual-1 saw Straw Donor-2 bring the money for his and his wife's contributions to BALDEO's Office. BALDEO also told Straw Donor-2 not to continue to use the attorney that Straw Donor-2 had retained in this matter ("Straw Donor-2's Attorney") and that BALDEO would find a different attorney for Straw Donor-2.

v. Shortly after this meeting in or about May 2011, Straw Donor-2 again spoke with BALDEO about this matter and Straw Donor-2 told BALDEO, in substance and in part, that Straw Donor-2 was going to tell the truth about Straw Donor-2's contributions to the BALDEO campaign.

f. Beginning on or about June 20, 2011, Straw Donor-2 was contacted on several occasions by the New York City Administration for Children's Services, Division of Child

Protection ("ACS") concerning complaints that had been filed with ACS alleging that Straw Donor-2 had abused a child. Straw Donor-2 adamantly denied these allegations.

20. I have reviewed records provided by ACS concerning Straw Donor-2, and have learned the following, among other things:

a. On several occasions in or about June 2011, an individual (the "Reporter") contacted ACS in Manhattan to report that the "father" and "grandparents" of a child in Queens regularly shook and hit the child. While the Reporter did not identify the father or grandparents by name, the Reporter provided an address for the residence where the alleged abuse occurred. The address provided was the address of the residence of Straw Donor-2 and Straw Donor-3.

b. The Reporter provided ACS with a contact phone number for the Reporter ("Phone Number-1"), and ACS representatives spoke with the Reporter on more than one occasion using Phone Number-1.

c. In June 2011 and July 2011, ACS investigated the allegations made by the Reporter, including conducting home visits and interviews of Straw Donor-2, Straw Donor-3, and the father of the child who was the son of Straw Donor-2 and Straw Donor-3 (the "Straw Donor's Son"). ACS did not find any evidence to support the Reporter's allegations.

21. I have reviewed records provided by the New York City Department of Buildings ("DOB") concerning two properties owned by Straw Donor-2 in Queens ("Property-1" and "Property-2"), and have learned the following, among other things:

a. On June 6, 2011, there was one complaint called into the City's 311 telephone service about Property-1 and another complaint called about Property-2.

b. The telephone number used to call in one of these complaints was Phone Number-1.

c. DOB provided notices to Straw Donor-2 that the DOB had received complaints about these properties.

22. I have reviewed records from Verizon concerning Phone Number-1 and have learned that it is subscribed to by Co-conspirator-1.

23. Based on interviews of the Straw Donor's Son by other FBI Agents, I have learned the following, among other things:

a. In or about May 2011, the Straw Donor's Son was working for a business located in Manhattan ("Business-2").

b. In or about May 2011, when the Straw Donor's Son arrived for work at Business-2, ALBERT BALDEO, the defendant, was waiting to speak with the Straw Donor's Son.

c. The Straw Donor's Son spoke with BALDEO for a few minutes. No one else was present for this conversation.

d. During this conversation, BALDEO told the Straw Donor's Son, in substance and in part: (1) BALDEO did not want Straw Donor-2 or the Straw Donor's Son to speak with the FBI; and (2) BALDEO and Straw Donor-2 could get in trouble if Straw Donor-2 spoke with the FBI.

24. Based on an interview of the manager of Business-1 by other FBI agents as well as a review of records from Business-1 concerning the Straw Donor-2 and Straw Donor-3 Money Orders, I have learned the following, among other things:

a. ALBERT BALDEO, the defendant, purchased the Straw Donor-2 and Straw Donor-3 Money Orders at Business-1.

b. BALDEO also purchased a third money order in the amount of \$800 at or around the same time BALDEO purchased the Straw Donor-2 and Straw Donor-3 Money Orders. This \$800 money order was subsequently donated to the BALDEO campaign purportedly by another contributor.

25. Based on interviews of Straw Donor-2's Attorney by other FBI agents, I have learned in substance and in part, that in the morning of June 15, 2011, Straw Donor-2's Attorney received a letter by facsimile (the "June 15 Letter").

26. I have reviewed the June 15 Letter and it states in substance and in part that: (1) Straw Donor-2's Attorney was engaging in misconduct by advising and/or colluding with Straw Donor-2 and Straw Donor-3 to "commit perjury, suborn perjury or make false statements to law enforcement and federal officials" concerning whether their contributions to the BALDEO Campaign came from their own funds; and (2) "relevant actions or grievances" were going to be "instituted" against Straw Donor-2's Attorney unless he "clarif[ied]" his "position."

27. I have reviewed records concerning: (1) the facsimile number at the office of Straw Donor-2's Attorney to which the June 15 Letter was sent; and (2) a phone number registered to the law office of ALBERT BALDEO, the defendant, and listed as BALDEO's Office's facsimile number in public records, and have learned, among other things, that the facsimile number

of Straw Donor-2's Attorney received only one communication in the morning of June 15, 2011, and that was from BALDEO's Office's facsimile number.

Straw Donor-4 and Straw Donor-5

28. Based on interviews by other FBI agents of an individual who purportedly contributed to the BALDEO campaign ("Straw Donor-4"), I have learned the following, among other things:

a. In 2010, Straw Donor-4 retained ALBERT BALDEO, the defendant, to provide Straw Donor-4 and her husband ("Straw Donor-5") with legal services related to an immigration matter. At a meeting with BALDEO at the end October 2010, Straw Donor-4 paid BALDEO \$2,500 in cash as part of BALDEO's fee for his legal services. At this meeting, BALDEO gave Straw Donor-4 and Straw Donor-5 four money orders, the total value of which was \$2,750 (the "Straw Donor-4 and Straw Donor-5 Money Orders"). Two of these money orders were for \$1,000 and two were for \$375. BALDEO instructed Straw Donor-4 and Straw Donor-5 to make these money orders payable to "People for Baldeo." BALDEO also instructed Straw Donor-4 and Straw Donor-5 to fill out and sign campaign contribution cards, which they agreed to do. BALDEO also told Straw Donor-4 to write on her contribution card that she was employed as a "babysitter," even though Straw Donor-4 had advised BALDEO that she was unemployed at the time.

b. Straw Donor-4 and Straw Donor-5 never contributed any of their own money to "People for Baldeo," did not purchase the Straw Donor-4 and Straw Donor-5 Money Orders, did not provide anyone money to pay for these money orders, and did not reimburse anyone for these money orders.

c. In or about March 2011, BALDEO contacted Straw Donor-4 and Straw Donor-5 and asked them to come to his office, and Straw Donor-4 and Straw Donor-5 agreed to do so. During the meeting that followed, BALDEO told Straw Donor-4 and Straw Donor-5, in substance and in part, that if FBI agents seek to speak with them about their contribution to the BALDEO campaign, they should tell the FBI that their payment of \$2,500 to BALDEO was made as a contribution to his campaign and that they purchased the Straw Donor-4 and Straw Donor-5 Money Orders themselves. Straw Donor-4 told BALDEO, in substance and in part, that she would not do as BALDEO requested because those statements were not truthful.

29. I have reviewed records from the bank at which the Straw Donor-4 and Straw-Donor-5 Money Orders were purchased and have learned the following, among other things:

a. When the Straw Donor-4 and Straw Donor-5 Money Orders were purchased on October 25, 2010, the individual who purchased these money orders provided the bank with a personal bank account number in the name of ALBERT BALDEO, the defendant, and BALDEO's wife.

b. The transaction immediately preceding the purchase of the Straw Donor-4 and Straw Donor-5 Money Orders related to the "People for Baldeo" campaign bank account for which only BALDEO was an authorized signatory.

#### Straw Donor-6

30. Based on interviews by other FBI agents of an individual who purportedly contributed to the BALDEO campaign ("Straw Donor-6"), I have learned the following, among other things:

a. On several occasions in or about 2010, Straw Donor-6 received immigration advice from the Liaison at BALDEO's Office for which Straw Donor-6 was not charged a fee. In or about October 2010, while in BALDEO's Office, the Liaison asked Straw Donor-6 to sign campaign contribution paperwork that the Liaison handed to Straw Donor-6, including two United States Postal Service money orders for \$500 each (the "Straw Donor-6 Money Orders"), a campaign contribution card (the "Straw Donor-6 Contribution Card"), and an affidavit concerning the campaign contribution (the "Straw Donor-6 Affidavit").

b. Straw Donor-6 never contributed any of his own money to "People for Baldeo," did not purchase the Straw Donor-6 Money Orders with his own money, did not provide anyone money to pay for these money orders, and did not reimburse anyone for these money orders.

31. I have reviewed records provided by the CFB concerning the contributions to BALDEO's campaign by Straw Donor-1 through Straw Donor-6, and have learned the following, among other things:

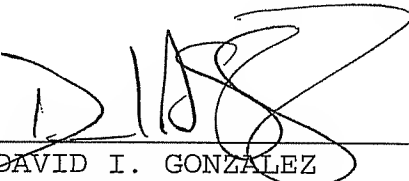
a. Copies of the Straw Donor-6 Contribution Card, the Straw Donor-6 Money Orders, and the Straw Donor-6 Affidavit were hand delivered by ALBERT BALDEO, the defendant, to the CFB in Manhattan on October 22, 2010.

b. On October 22, 2010, Straw Donor-6's contribution was disclosed to the CFB via a campaign disclosure statement. The BALDEO campaign sought the maximum amount of campaign matching funds for Straw Donor-6's contribution.

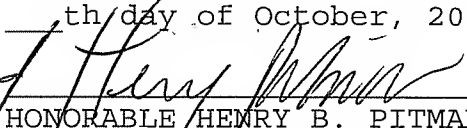
c. Copies of the contribution cards filled out by Straw Donor-1 through Straw Donor-5 at BALDEO's direction were sent to the CFB in Manhattan by Federal Express on November 30, 2010 and were received by the CFB on December 1, 2010 (the "November 30<sup>th</sup> Mailing"). The Federal Express mailing label states that the sender of the November 30<sup>th</sup> Mailing was "Albert Baldeo."

d. On November 29, 2010, the contributions to the BALDEO campaign by Straw Donor-1 through Straw Donor-5 were disclosed to the CFB via a campaign disclosure statement filed with the CFB (the "November 29 Disclosure Statement"). In the November 29 Disclosure Statement, the BALDEO campaign sought the maximum amount of campaign matching funds for the contributions by Straw Donor-1 through Straw Donor-5.

WHEREFORE, deponent prays that a warrant be issued for the arrest of ALBERT BALDEO, the defendant, and that he be imprisoned or bailed, as the case may be.

  
\_\_\_\_\_  
DAVID I. GONZALEZ  
Special Agent  
Federal Bureau of Investigation

Sworn to before me this  
\_\_\_\_th day of October, 2012

  
\_\_\_\_\_  
HONORABLE HENRY B. PITMAN  
UNITED STATES MAGISTRATE JUDGE  
SOUTHERN DISTRICT OF NEW YORK

OCT 22 2012